

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----	x
RAJENDRA PERSAUD and	:
PRAMPATIE PERSAUD,	:
	:
Plaintiffs,	Civil Action No.: 12-cv-04891 (ARR)(JMA)
-against-	:
CARIBBEAN AIRLINES LIMITED,	:
	:
Defendant.	:
-----	x
SHANTI PERSAUD; C.P., a minor, by	:
and through her mother and natural	:
guardian Shanti Persaud; and C.P., a minor,	:
by and through her mother and natural	Civil Action No.: 13-cv-00230 (ARR)(JMA)
guardian Shanti Persaud,	:
	:
Plaintiffs,	:
-against-	:
CARIBBEAN AIRLINES LIMITED,	:
	:
Defendant.	:
-----	x

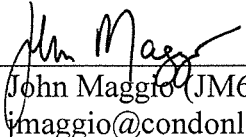
NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying Affidavit of John Maggio, Esq., sworn to February 15, 2013, the Declaration of C.A. Nigel Hughes dated February 1, 2013, the Declaration of Nalini Lalla dated February 13, 2013, and the annexed Memorandum of Law, Defendant Caribbean Airlines Limited, will move this Court before the Honorable Allyne R. Ross, in accordance with the Scheduling Order entered January 24, 2013, for an Order, pursuant to Rule 12(h)(3) of the Federal Rules of Civil Procedure, dismissing plaintiffs' Complaints as a matter of law because the Warsaw Convention exclusively governs these actions and this Court lacks subject matter jurisdiction.

PLEASE TAKE FURTHER NOTICE that opposing papers and affidavits, if any, are to be served on or before March 1, 2013, and defendant's reply is to be served on or before March 15, 2013. Oral argument will be scheduled by the Court if necessary.

Dated: New York, New York
February 15, 2013

CONDON & FORSYTH LLP

By  _____
John Maggio (JM6814)
jmaggio@condonlaw.com
7 Times Square – 18th Floor
New York, New York 10036
(212) 490-9100

Attorneys for Defendant
CARIBBEAN AIRLINES LIMITED

TO: Curtis Bradley Miner, Esq.
Colson Hicks Eidson, P.A.
255 Alhambra Circle, Penthouse
Coral Gables, Florida 33134